



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 10-022

RELATING TO GROWTH MANAGEMENT, AMENDING THE
PROCESS FOR REVIEW OF PROPOSED AMENDMENTS TO
THE DEVELOPMENT REGULATIONS AND COMPREHENSIVE
PLAN, AND AMENDING SCC 30.66B.167, 30.73.085, 30.74.015, 30.74.020,
30.74.030, 30.74.050, 30.74.060, AND 30.74.080

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the
Growth Management Act (GMA) to adopt procedures for interested persons to propose
amendments and revisions to the GMA Comprehensive Plan or development
regulations; and

WHEREAS, the County Council adopted chapter 30.74 SCC, "Growth
Management Act Public Participation Program Docketing," (docket process) to comply
with the requirements of RCW 36.70A.130 and .470; and

WHEREAS, the County Council has determined that the proposed amendments
and revisions to the docket process would promote the public participation and
procedural requirements set forth in RCW 36.70A.035, .130, .140, .470 and chapter
30.74 SCC; and

WHEREAS, the County Council was briefed on September 9, 2010, and held a
public hearing on July 7, 2010 continued to August 30 and September 8, 2010, to
consider the entire record on the proposed amendments and to hear public testimony
on this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings:

- A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. RCW 36.70A.035, .130, .140 and .470 require the county to establish a public participation program that identifies procedures and schedules for the review, evaluation and possible revision of the county's comprehensive plan and development regulations. The GMA provides that the county determine the appropriate level of review of proposed amendments to the comprehensive plan and development regulations.

- 1
2 C. The County Council finds that annual action on proposals to amend the
3 comprehensive plan and development regulations often results in repetitive
4 evaluation of some proposals and inhibits consistent and careful consideration of
5 all the proposals.
6
7 D. The proposed amendments to the Snohomish County docket process will result
8 in greater predictability and integrity of the county's required ten-year update of
9 the comprehensive plan by reducing the frequency of amendments that can be
10 made after work is completed on ten-year updates.
11
12 E. The proposed amendments allow interested persons to submit proposals for
13 amendments to the development regulations and the comprehensive plan at any
14 time while providing greater certainty about when final action on a proposal can
15 be expected.
16
17 F. The amendments relate solely to governmental procedures and contain no
18 substantive standards respecting use or modification of the environment, and are
19 therefore exempt from compliance with the State Environmental Policy Act
20 (SEPA, chapter 43.21C RCW) as provided in WAC 197-11-800(19).
21
22 G. The amendments relate solely to governmental procedures and do not require a
23 Snohomish County Planning Commission hearing as provided in SCC
24 30.73.040(2)(b).
25
26 H. The proposed amendments will more accurately capture county processing
27 expenses related to a private initiated proposal to amend the comprehensive
28 plan or development regulations by requiring the docket applicant to pay all costs
29 of notification for public hearings and SEPA.
30

31 Section 2. The County Council makes the following conclusions, based on its
32 findings of facts and on the entire record of testimony and exhibits, including all written
33 and oral testimony before the County Council.
34

- 35 A. The proposed amendments are consistent with and implement the requirements
36 of the GMA.
37
38 B. The proposed ordinance is exempt from compliance with SEPA review.
39
40 C. The proposed ordinance is exempt from requirements for a Snohomish County
41 Planning Commission hearing.
42

1 D. The proposed amendments preserve the right of any interested person to
2 propose comprehensive plan or development regulation amendments as set forth
3 in RCW 36.70A.130 and .470.
4

5 E. The proposed amendments are consistent with the GMA in supporting the
6 integrity and predictability of the county's required ten-year update of the
7 comprehensive plan.
8

9 F. The proposal has been broadly disseminated and opportunities have been
10 provided for written comments and public hearing after effective notice.
11

12 Section 3. The County Council bases its findings and conclusions on the entire
13 record, including all testimony and exhibits. Any finding, which should be deemed a
14 conclusion, and any conclusion, which should be deemed a finding is hereby adopted
15 as such.
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17 Section 4. Snohomish County Code Section 30.66B.167, adopted by Amended
18 Ordinance No. 02-064 on December 9, 2002, is amended to read:
19

20 **30.66B.167 Concurrency determination – options when a development is not**
21 **concurrent.**
22

23 Any development determined not to be concurrent shall have the following
24 options available:

25 (1) A development which meets the department's criteria for transit compatibility,
26 shall be determined concurrent

27 (a) If the impacted arterial unit in arrears meets the criteria for transit
28 supportive design in accordance with the director of public works' administrative rule
29 developed pursuant to SCC 30.66B.080;

30 (b) If the level of service on the impacted arterial unit in arrears meets the
31 LOS standards adopted within the comprehensive plan, and

32 (c) The development can otherwise be determined to be concurrent in
33 accordance with SCC 30.66B.160.

34 (2) A development may modify its proposal to lessen its impacts on the road
35 system in such a way as to allow the director of public works to determine the
36 development concurrent. Any modification of the proposal must be submitted in writing
37 to the department of public works. The director of public works will review the modified
38 proposal and make a new concurrency determination pursuant to SCC 30.66B.150. If
39 determined concurrent, the department of public works will attach the new concurrency
40 determination to its recommendation made pursuant to SCC 30.66B.050, and
41 recommend any of the following conditions proposed by the developer:

42 (a) Deferral of construction of all or identified subsequent phases of a
43 development until such time as the county has a financial commitment for or has made
44 capacity improvements which would remedy any arterial unit in arrears; or

1 (b) Deferral of construction of all or identified subsequent phases of a
2 development until such time as the developer constructs capacity improvements which
3 would remedy any arterial unit in arrears. To propose this condition, the developer must
4 demonstrate compliance with SCC 30.66B.170.

5 (3) The developer may request through the ~~((annual))~~ docketing process
6 established in chapter 30.74 SCC an amendment to the comprehensive plan to allow for
7 lower density development, if a lower density would allow the development to achieve
8 concurrency.

9
10
11 Section 5. Snohomish County Code Section 30.73.085, adopted by Amended
12 Ordinance No. 02-064 on December 9, 2002, is amended to read:

13
14 **30.73.085 - Limitation on comprehensive plan amendments.**

15
16 (1) The comprehensive plan may be amended no more frequently than once each
17 year, except that it may be amended more frequently under the following
18 circumstances:

19 (a) The initial adoption of a subarea plan;

20 (b) The adoption or amendment of a shoreline master program under the
21 procedures set forth in chapter 90.58 RCW;

22 (c) Amendment of the capital facilities element of the comprehensive plan that
23 occurs concurrently with adoption or amendment of the county budget;

24 (d) An emergency exists within the meaning of RCW 36.70A.130(2)(b);

25 (e) To resolve an appeal filed with a growth management hearings board or with
26 the court; or

27 (f) Amendment is required by state or federal law.

28 (2) Except as authorized by SCC 30.73.085(1), the council will consider whether to
29 amend the comprehensive plan ~~((annually pursuant to))~~ no more frequently than
30 once per year, and will consider amendments proposed pursuant to chapter 30.74
31 SCC according to the process and schedule established in chapter 30.74 SCC. The
32 department shall coordinate county agency and planning commission review of
33 proposed amendments, including amendments proposed pursuant to chapter 30.74
34 SCC.

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36 Section 6. Snohomish County Code Section 30.74.015, adopted by Amended
37 Ordinance No. 04-094 on November 17, 2004, is amended to read:

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39 **30.74.015 ((Annual)) Docket Process**

40
41 ~~((Amendments to the comprehensive plan may be proposed by the council no more
42 than once per year as part of the annual docket process established in this chapter,
43 except for amendments authorized by SCC 30.73.085.))~~

1 (1) The department shall give initial consideration to proposed amendments
2 every year according to the procedures and criteria in SCC 30.74.030 and SCC
3 30.74.040.

4 (2) The county council shall determine which amendments should be processed
5 further according to the procedures in SCC 30.74.050 and the following schedule:

6 (a) In the first year and fifth year following a ten-year update of the
7 comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall
8 determine which amendments should be processed further on a docket of minor
9 amendments.

10 (b) In the second year and sixth year following a ten-year update of the
11 comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall
12 determine which amendments should be processed further on a docket that may
13 include major and minor amendments.

14 (c) In the eighth year following a ten-year update of the comprehensive
15 plan as required by RCW 36.70A.130(3)(a), the county council shall determine which
16 amendments should be processed further concurrently with the next ten-year update
17 and may include major and minor amendments.

18 (3) The county council has the legislative discretion to place a proposed
19 amendment on the final docket for further consideration or to direct that the proposed
20 amendment not be processed further.

21 (4) The department shall process the final docket of proposed amendments
22 according to the procedures and the criteria in SCC 30.74.060.

23
24 Section 7. Snohomish County Code Section 30.74.020, adopted by Amended
25 Ordinance No. 02-064 on December 9, 2002, is amended to read:

26
27 **30.74.020 Submittal requirements.**

28
29 (1) Any person proposing amendments to the comprehensive plan or
30 development regulations under this chapter must submit the following to the
31 department:

32 ((4)) (a) A description of the proposed amendment including proposed map or
33 text changes;

34 ((2)) (b) The location of the property that is the subject of amendment on an
35 assessor map dated and signed by the applicant, if the proposal is for a future land use
36 map amendment;

37 ((3)) (c) A legal description and a notarized signature of one or more owners, if
38 a rezone is requested by owners concurrent with a requested future land use map
39 amendment;

40 ((4)) (d) An explanation of why the amendment is being proposed;

41 ((5)) (e) An explanation of how the proposed amendment is consistent with the
42 GMA, the countywide planning policies, and the goals and objectives of the
43 comprehensive plan;

1 ~~((6))~~ (f) If applicable, an explanation of why existing comprehensive plan
2 language should be added, modified, or deleted; and

3 ~~((7))~~ (g) A SEPA checklist.

4 (2) If a proposal includes an expansion of an Urban Growth Area that would
5 increase residential land capacity and the most recent Buildable Lands Report indicates
6 that no additional residential land capacity is needed in that Urban Growth Area, the
7 proposal must also include removal of land from that Urban Growth Area so that the
8 residential land capacity is not increased. The properties proposed for removal from the
9 Urban Growth Area must be contiguous with the Urban Growth Area boundary and be
10 rural in character with rural densities.

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12
13 Section 8. Snohomish County Code Section 30.74.030, adopted by Amended
14 Ordinance No. 02-064 on December 9, 2002, is amended to read:

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16 **30.74.030 Initial review and evaluation.**

17
18 (1) The department shall conduct an initial review and evaluation of proposed
19 amendments~~((,))~~ and assess the extent of review that would be required under the State
20 Environmental Policy Act (SEPA) ~~((prior to county council action))~~. The initial review
21 and evaluation shall include any review by other county departments deemed
22 necessary by the department, and shall be made in writing. The department shall
23 recommend to the county council that ~~((the))~~ an amendment be further processed only if
24 all of the following criteria are met, except as provided in SCC 30.74.040:

25 (a) The proposed amendment is consistent with the countywide planning
26 policies, the multicounty planning policies, the GMA, and other applicable state ~~((or))~~
27 and federal ~~((law))~~ laws;

28 ~~((b))~~ ~~The time required to analyze probable adverse environmental impacts of~~
29 ~~the proposed amendment is available within the time frame for the annual docketing~~
30 ~~process;~~

31 ~~((c))~~ ~~The time required for additional analysis to determine the need for~~
32 ~~additional capital improvements and revenues to maintain level of service, when~~
33 ~~applicable to the proposal, is available within the time frame for the annual docketing~~
34 ~~process;~~

35 ~~((d))~~ Any proposed change in the designation of agricultural lands, ~~((and))~~
36 forest lands, and mineral resource lands is consistent with the designation criteria of the
37 GMA and the comprehensive plan;

38 ~~((e))~~ ~~The proposed amendment does not make a change in an area that is~~
39 ~~included in a proposed subarea plan scheduled for completion and final action by the~~
40 ~~council prior to the next docket submittal deadline;~~

41 ~~((f))~~ ~~The proposed amendment is not precluded from being considered at the~~
42 ~~present time by the GMA or comprehensive plan;~~

1 ~~(g) The time required for processing any required additional amendments not~~
2 ~~anticipated by the proponents is available within the time frame of the annual docketing~~
3 ~~process; and~~

4 ~~(h)) (c) If the proposed amendment has been reviewed by the planning~~
5 ~~commission or county council as part of a previous proposal, circumstances related to~~
6 ~~the current proposal have significantly changed and support a plan or regulation change~~
7 ~~at this time((-) ; and~~

8 ~~(d) If the next docket cycle to be set is limited to minor amendments by SCC~~
9 ~~30.74.015(2)(a), the proposal satisfies all of the following conditions:~~

10 ~~(i) The time required to analyze environmental impacts of the proposed~~
11 ~~amendment is available within the time frame for processing minor amendments;~~

12 ~~(ii) The time required for additional analysis to determine the need for~~
13 ~~additional capital improvements and revenues to maintain level of service, when~~
14 ~~applicable to the proposal, is available within the time frame for processing minor~~
15 ~~amendments;~~

16 ~~(iii) The time required for processing any required additional amendments~~
17 ~~not anticipated by the proponent is available within the time frame for processing minor~~
18 ~~amendments;~~

19 ~~(iv) The proposed amendment does not alter the urban growth area~~
20 ~~boundary;~~

21 ~~(v) The proposed amendment does not make or require substantial~~
22 ~~changes to comprehensive plan policy language; and~~

23 ~~(vi) The proposed amendment does not change land capacity to an extent~~
24 ~~that would require compensating changes in other areas in order to maintain~~
25 ~~consistency with policies and growth allocations established at the county and regional~~
26 ~~level.~~

27 (2) If the department finds that a proposal does not meet initial evaluation criteria,
28 the department will, if appropriate, make recommendations to the applicant of the
29 proposal regarding ((:

30 ~~(a) Impact analysis needed;~~

31 ~~(b) Possible)) possible modifications to the ((request to)) proposal in order to~~
32 ~~meet criteria ((; and~~

33 ~~(c) Likelihood of inclusion of the proposal in the department's work program)).~~

34 (3) Any person may resubmit a proposal to the department at any time, subject
35 to the timelines contained in this chapter.

36
37 Section 9. Snohomish County Code Section 30.74.050, last amended by
38 Ordinance No. 06-077 on October 2, 2006, is amended to read:

39
40 **30.74.050 Council ((approval)) setting of final docket.**

41
42 (1) On or before the last business day of March of each year the department
43 shall prepare ((a)) its recommendation on each of the amendments proposed for

1 consideration under SCC 30.74.030, and forward the (~~recommendation~~)
2 recommendations to the county council.

3 (2) The county council will review the (~~recommendation~~) recommendations
4 according to the schedule established in SCC 30.74.015(2) and determine in a public
5 hearing which of the proposed amendments should be further processed as minor
6 amendments, which should be processed as major amendments, and which
7 amendments should not be processed further.

8 (3) Notice of the council hearing shall be given as required by SCC 30.73.070.
9 The applicant shall be responsible for the costs associated with printing, publishing, and
10 mailing of notice for any public hearing required for the applicant's docket proposal by
11 chapter 30.73 SCC.

12 (4) The proposed amendments approved for further processing by the council
13 shall be known as the final docket.

14
15 Section 10. Snohomish County Code Section 30.74.060, last amended by
16 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

17
18 **30.74.060 Processing of final docket.**

19
20 (1) The department shall distribute the final docket to any state or local agency
21 which is required by law to review and evaluate proposed amendments and revisions to
22 the comprehensive plan and implementing development regulations. The department
23 shall also conduct any review required by SEPA of the proposed amendments and
24 revisions listed on the final docket.

25 (2) The department will process the final docket in accordance with chapter 30.73
26 SCC, except as provided to the contrary in this section. The department shall prepare a
27 report including a recommendation on each proposed amendment and forward the
28 report to the planning commission. The department will recommend approval if all the
29 following criteria are met:

30 (a) The proposed amendment and any related proposals on the current final
31 docket maintain consistency with other plan elements or development regulations;

32 (b) All applicable elements of the comprehensive plan, including but not
33 limited to the capital plan and the transportation element, support the proposed
34 amendment;

35 (c) The proposed amendment more closely meets the goals, objectives and
36 policies of the comprehensive plan than the relevant existing plan or code provision;

37 (d) The proposed amendment is consistent with the countywide planning
38 policies;

39 (e) The proposed amendment complies with the GMA; and

40 (f) New information is available that was not considered at the time the
41 relevant comprehensive plan or development regulation was adopted that changes
42 underlying assumptions and supports the proposed amendment.

43 (3) Unless otherwise directed by the county council, any county department that
44 conducts review and evaluation of the proposed amendments, including any necessary

1 environmental review pursuant to SEPA, shall complete its evaluation prior to action by
2 the planning commission on the proposed amendments, except that a final or final
3 supplemental environmental impact statement must be completed no later than seven
4 days prior to final action by the county council.

5 (4) For final dockets that are limited to minor proposals by SCC 30.74.015(2)(a),
6 the department and the planning commission shall complete their processing of the final
7 docket and transmit final recommendations to the county council within twelve months
8 of the date the county council sets the final docket, except as provided by SCC
9 30.74.060(6).

10 (5) For final dockets that may include major or minor proposals under SCC
11 30.74.015(2)(b), the department and the planning commission shall complete their
12 processing of the final docket and transmit final recommendations to the county council
13 within twenty-four months of the date the county council sets the final docket, except as
14 provided by SCC 30.74.060(6).

15 (6) If the department determines that a proposed amendment on the final docket
16 requires additional time for processing, the department shall seek direction from the
17 county council on whether to shift that proposed amendment to a future batch or
18 whether to keep it in its current batch and delay final action on the entire batch.

19 (7) Consistent with SCC 30.73.070(1), the county council is not required to take
20 action on any proposed amendment on the final docket. The options available to the
21 county council include, but are not limited to:

22 (a) Removing the proposed amendment from the final docket by motion;

23 (b) Not introducing an ordinance to approve the proposed amendment;

24 (c) Delaying consideration of the proposed amendment to a future docket; or

25 (d) Otherwise not taking action on the proposed amendment.

26 (8) If the county council removes a proposed amendment from the final docket
27 by motion under SCC 30.74.060(7)(a), it shall refund to the applicant the unspent
28 portion of the money the applicant paid to the county for SEPA environmental review
29 and studies in connection with the proposed amendment being on the final docket.

30 (9) If the county council does not take action on a proposed amendment within
31 one year of the planning commission hearing on that proposed amendment, the
32 proposed amendment shall be removed from the final docket and not processed further.

33 (10) The applicant shall be responsible for the cost of printing, publishing, and
34 mailing of any SEPA notification required for the applicant's final docket proposal by
35 chapter 30.61 SCC.

36 (11) The applicant shall be responsible for the cost of printing, publishing, and
37 mailing of notice for any public hearing required for the applicant's final docket proposal
38 by chapter 30.73 SCC.

1 Section 11. Snohomish County Code Section 30.74.080, last amended by
2 Ordinance No. 06-077 on October 4, 2006, is amended to read:

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4 **30.74.080 Timing for submittal of proposals.**

5
6 (1) The department will accept proposals for amendments at any time; however,
7 proposals received after the last business day of October of each year will be processed
8 in the next ~~((annual amendment review))~~ initial review and evaluation cycle.

9 (2) The department may establish administrative procedures necessary to
10 administer this chapter.

11 * Section 12. Severability and savings. See next page.

12
13 PASSED this 8th day of September, 2010.

14
15 SNOHOMISH COUNTY COUNCIL
16 Snohomish County, Washington

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19 Council Chair

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21 ATTEST:

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24 Asst. Clerk of the Council

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26
27 APPROVED
28 EMERGENCY
29 VETOED

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33 DATE: 9/23/10


34
35 County Executive

36
37 ATTEST:


38

39 Approved as to form only:

40
41 _____
Deputy Prosecuting Attorney

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1 *Section 12. Severability and Savings. If any section, sentence, clause or
2 phrase of this ordinance is held invalid or unconstitutional by the Growth Management
3 Hearings Board (Board), or a court of competent jurisdiction, such invalidity or
4 unconstitutionality shall not affect the validity or constitutionality of any other section,
5 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
6 sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by
7 the Board or a court of competent jurisdiction, then the section, sentence, clause or
8 phrase in effect prior to the effective date of this ordinance shall be in full force and
9 effect for that individual section, sentence, clause or phrase as if this ordinance had
10 never been adopted.

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12
13 Section 12 was inadvertently omitted from the version of the ordinance signed on
14 September 8, 2010.

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18 SNOHOMISH COUNTY COUNCIL
19 Snohomish County, Washington

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21 _____
22 Council Chair

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26 Acknowledged:
27 SNOHOMISH COUNTY EXECUTIVE

28 
29 _____
30 Aaron G. Reardon

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